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No. CV-09-1051-PHX-GMS

ORDER

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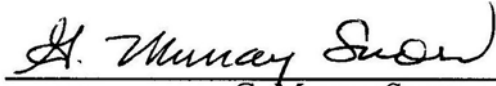
The parties did not file objections, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of an objection.”); Fed. R. Civ. P. 72(b)(3) (“The district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to.”). The Court has nonetheless reviewed the R&R and finds that it is well-taken. The Court will accept the R&R and dismiss the Complaint without prejudice. *See* 28 U.S.C. § 636(b)(1) (stating that the district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or

1 return the matter to the magistrate judge with instructions.”).

2 **IT IS ORDERED:**

- 3 1. Magistrate Judge Aspey’s R&R (Dkt. # 15) is **accepted**.
4 2. Plaintiff’s Complaint (Dkt. # 1) is **dismissed without prejudice**.
5 3. The Clerk of Court shall **terminate** this action.

6 DATED this 8th day of February, 2010.

7
8 
9 G. Murray Snow
United States District Judge